

# **Memorandum of Understanding between Department for Education (Independent Education and Boarding Team) and HM Courts & Tribunals Service (First-tier Tribunal Health, Education and Social Care Chamber)**

## **The parties**

This Memorandum of Understanding is between HM Courts & Tribunals Service representing the Health, Education and Social Care Chamber of the First-tier Tribunal and the Department for Education's Independent Education and Boarding Team.

## **Purpose**

The purpose of the Memorandum of Understanding is to establish an expedited process for handling any appeal under:

- section 126(1) of Education and Skills Act 2008 against an order granted by a justice of the peace following an application by the Secretary of State under section 120(1)(a) or (b); or  
regulation 6 of the Non-Maintained Special Schools (England) Regulations 2015 (S.I. 2015/728) against an order granted by a justice of the peace following an application by the Secretary of State made under regulation 5 of those Regulations.,

The Memorandum of Understanding seeks to ensure that these appeals are disposed of expeditiously to minimise the impact on the proprietor of the institution/school and/or staff's livelihoods and on parents and pupils.

## **Expedited process**

The First-tier Tribunal (Health, Education and Social Care Chamber) will handle the appeals following the procedures outlined below. All references to 'days' mean working days.

- The tribunal will send a copy of an appeal application notice (an appeal) to the respondent (Department for Education) within one day of receipt by the tribunal office.
- The tribunal will fix a hearing date on receipt of an appeal or, in any case, no later than two days after receiving an appeal. The tribunal will give notice to the applicant and to Department for Education of the date of the hearing as soon as it is set.
- Department for Education will respond to an appeal within three days of receiving a copy of it from the tribunal.
- The tribunal will hear the appeal within 10 days of receipt of Department for Education's response.
- The tribunal will issue its decision within three days of the conclusion of the hearing.

## **Process for ordinary and urgent/emergency cancellation decisions**

Where an appeal is or has been received from the same proprietor under section 116 of the Education and Skills Act 2008 against a decision to remove the school from the register or to impose a relevant restriction on the proprietor, the tribunal will handle this appeal ('the ordinary appeal') in accordance with non emergency procedures. If the expedited procedure appeal is dismissed, the ordinary appeal may be struck out as 'having no reasonable prospect of success'.

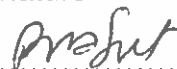
### Location of hearings

Wherever possible, a hearing will be held in the vicinity of the school. However, due to the need to arrange hearings at very short notice, the tribunal may direct where the hearing is held as it sees fit. Paper hearings will usually be held at the tribunal premises in Darlington or central London, although they may be heard at any other HM Courts & Tribunals Service location or by telephone.

### Commencement

This amended Memorandum of Understanding commences on 1 September 2015. It will continue to remain in force until such time as it is revoked by the parties. The Memorandum of Understanding may be reviewed at any time at the request of either party.

### Signatures

<p>Signature</p> <p>.....KSwan</p>	<p>Signature</p> <p>..........</p>
<p>Name in capitals</p> <p>.K SWAN.....</p>	<p>Name in capitals</p> <p>PETER SWIFT</p>
<p>Position:</p> <p>Cluster Manager</p>	<p>Position:</p> <p>Deputy Director, Independent Education and School Safeguarding Division</p>
<p>Department: HMCTS</p>	<p>Department...DfE.....</p>
<p>Date....24.6.15.....</p>	<p>Date 25 June 2015</p>